

Certified Copy

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ISOJON KHUSENOV,

Plaintiff,

-against-

Case No.:

1:21-CV-3703-BMC

PROKRAFT INC. And PRO-CUT,

Defendants.

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PROKRAFT INC.,

Third-Party Plaintiff,

-against-

KARZINKA US, INC.,

Third-Party Defendant.

-----X

January 26, 2022

10:44 a.m.

REMOTE EXAMINATION BEFORE TRIAL of
ISOJON KHUSENOV, the Plaintiff in the
above-entitled action, taken on behalf of the
Defendant, held at the above date and time, and
taken before Dorene Glover, an RSR Reporter and
Notary Public within and for the State of New
York.

Isojon Khusenvos, 1/26/2022

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2 **A P P E A R A N C E S:**

3

4 LAW OFFICE OF YURIY PRAKHIN, P.C.

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7

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10 BY: CARMEN M. VASQUEZ, ESQ.

11

12 CONGDON, FLAHERTY, O'CALLAGHAN

Attorneys for Third-Party Defendant

13 333 Earle Ovington Boulevard, #502

Uniondale, New York 11553

14 BY: THOMAS EVANS, ESQ.

15

16

17 Also Present:

18 MUHITDIN AHUNHODJAEV - Uzbek Interpreter

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2 IT IS HEREBY STIPULATED AND AGREED by and
3 between the attorneys for the respective
4 parties herein that the sealing, filing and
5 certification of the within deposition be
6 waived; that such deposition may be signed and
7 sworn to before any officer authorized to
8 administer an oath, with the same force and
9 effect as if signed and sworn to before whom
10 said deposition was taken.

11 IT IS FURTHER STIPULATED AND AGREED that all
12 objections, except as to form, are reserved to
13 the time of trial.

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1

2 M U H I T D I N A H U N H O D J A E V ,

3 a Uzbek interpreter, solemnly swore to

4 translate the following questions from English

5 to Uzbek and answers from Uzbek to English:

6 I S O J O N K H U S E N V O S ,

7 the witness herein, having first been duly

8 sworn, through an interpreter, by a Notary

9 Public of the State of New York, was examined

10 and testified as follows:

11 EXAMINATION BY

12 **MS. VASQUEZ:**

13 Q. Please state your name for the
14 record.

15 A. Isojon Khusenvos.

16 Q. Please state your address.

17 A. 9958 66th Avenue, #6B, Rego Park,
18 New York 11374.

19 THE COURT REPORTER: Would you like
20 a copy of the transcript?

21 MR. EVANS: Yes.

22 THE COURT REPORTER: Mr. Gitelman,
23 would you like a copy of the transcript?

24 MR. GITELMAN: Yes.

25 Q. Good morning, Mr. Khusenvos. My

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1 KHUSENVOS
2 name is Carmen Vasquez. I'm an attorney with
3 the law firm O'Connor, Redd, Orlando. My
4 office represents Pro-cut and Prokraft who are
5 defendants in this lawsuit. I'm going to ask
6 you some questions today relating to your claim
7 and I'm going to ask that you please let me
8 give you some instructions. I'm going to ask
9 that you please wait for the interpreter to
10 interpret my question before you begin to
11 answer it. It's possible that you may
12 anticipate some of the answers but I want you
13 to wait until the question is completed.
14 Please make sure that all your responses are
15 verbal. No nods of your head and gestures with
16 your hand. It is not going to be translated
17 into the transcript. The reporter is here to
18 take down everything that you say and that
19 everybody is saying. So it's important that
20 all communications remain verbal.
21 If at any time you don't understand
22 my question, please let me know that and I will
23 rephrase it as best as I can so that you can
24 understand it. If you answer the question, I
25 will assume that you understood it. The last

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1 KHUSENVOS

2 thing I'll say is, if there is a question
3 pending and you need to speak to your attorney,
4 you have to please answer the question before
5 you speak to your attorney; do you understand
6 that?

7 A. Yes.

8 Q. Have you understood all of the
9 instructions?

10 A. Yes.

11 Q. Another last point is, you have to
12 say yes or no. You can't say a hum, because
13 again, that's not going to properly put down in
14 a transcript.

15 A. Okay.

16 Q. And just another point, if at any
17 time you need a break for any reason, you're
18 more than welcome to take it and just let us
19 know. Again, I'll just add, if there's a
20 question pending, you have to answer the
21 question before we take a break, okay?

22 A. Okay.

23 Q. Thank you.

24 We'll start. Is your date of birth
25 XXXXXX, 1996?

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1 **KHUSENVOS**

2 A. Yes.

3 Q. Do you have a Social Security
4 number?

5 MR. GITELMAN: Re-track that from
6 the record, please.

7 MS. VASQUEZ: Absolutely. No
8 objection.

9 A. No.

10 Q. Are you married?

11 A. No.

12 Q. Do you have any children?

13 A. No.

14 Q. Who do you live with?

15 A. With my parents.

16 Q. What are their names?

17 A. Azimov is my father's name.

18 A-Z-I-M-O-V. Kozim, K-O-Z-I-M.

19 Q. That's your father's name?

20 A. Yes.

21 Q. And your mother?

22 A. Shakhlo Mamatova. S-H-A-K-H-L-O.

23 Last name is M-A-M-A-T-O-V-A.

24 Q. You live with both your parents at
25 the apartment address that you gave us earlier

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1 KHUSENVOS

2 today, correct?

3 A. Yes.

4 Q. Are there any other family members
5 that you live with at that address?

6 A. No.

7 Q. Where were you born?

8 A. I was born in Samakmed,
9 S-A-M-A-K-M-E-D, City in Uzbekistan.

10 Q. When did you come to the USA?

11 A. 2018.

12 Q. Do you remember the month that you
13 arrived or the day?

14 A. It was the winter, sometime in
15 December.

16 Q. Why did you come to the U.S.?

17 MR. GITELMAN: Note my objection to
18 form.

19 A. I came to live in America with my
20 family.

21 Q. Do you still have any family in
22 Uzbekistan?

23 A. Close people to my father are still
24 in Uzbekistan.

25 Q. Other than your parents, do you

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1 **KHUSENVOS**

2 **have any other family members in the U.S.?**

3 A. I have an uncle from my father's
4 side.

5 **Q. What's his name?**

6 A. Bakhtier, B-A-K-H-T-I-E-R. Azimov,
7 A-Z-I-M-O-V.

8 **Q. Does he live in Queens, New York?**

9 **MR. GITELMAN:** Note my objection.

10 A. Yes.

11 **Q. Do you have any siblings living in**
12 **the U.S.?**

13 **MR. GITELMAN:** You didn't ask if he
14 has any siblings, if he has any siblings
15 at all.

16 **Q. Do you have any siblings?**

17 A. Yes, I do.

18 **Q. Are any of them living in the U.S.?**

19 A. Yes, they do.

20 **Q. Where do they live?**

21 A. At the same address. We live
22 together.

23 **Q. Is that 9958 66th Avenue?**

24 A. Yes.

25 **Q. How many siblings do you have**

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1 **KHUSENVOS**

2 **living there with you address at the address?**

3 A. I have two little brothers and one
4 little sister.

5 **Q. How old are they?**

6 A. Do you want the ages or do you want
7 the years when they were born?

8 **Q. Give me the year when they were**
9 **born.**

10 A. 1998. Would you like me to tell
11 you their names as well?

12 **Q. Yes, please. Thank you.**

13 A. XXXXXXXXXX.

14 **Q. And the other brother?**

15 A. 2008. The female name is XXXXXXXX.
16 It is the same last name XXXXXXXX.

17 **MR. GITELMAN: Can we keep minor's**
18 **name off the record, please?**

19 **MS. VASQUEZ: Yes, absolutely.**

20 **Q. You said you had two younger**
21 **brothers, one was born 1998. What about the**
22 **other one?**

23 A. 2012.

24 **Q. And his name?**

25 **MS. VASQUEZ: Off the record,**

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1 KHUSENVOS

2 please.

3 (Whereupon, an off-the-record
4 discussion was held.)

5 Q. Are there any other family members
6 living at 9958 66th Avenue with you currently?

7 A. No.

8 Q. How long have you lived at 9958
9 66th Avenue?

10 A. I don't know exactly but
11 approximately one year.

12 Q. Were you living there on the date
13 of your accident?

14 A. Yes, I was living at that place
15 when the accident happened.

16 Q. Can you tell me what your highest
17 level of education is?

18 A. Just nine years of school.

19 Q. Is that up to the ninth grade is
20 that -- or something else?

21 A. I studied at school for nine years
22 and I went to lyceum. Academic high school.

23 Q. Was your school education those
24 nine years, was that in Uzbekistan?

25 A. Yes, in Uzbekistan.

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1 KHUSENVOS

2 Q. Did you attend any type of
3 elementary school from a date in your life when
4 you were young like seven or eight years old?

5 MR. GITELMAN: What does that
6 question even mean? Objection to form.

7 MS. VASQUEZ: Withdrawn.

8 Q. Did you attend elementary school in
9 Uzbekistan?

10 A. Yes.

11 Q. Elementary school, is that first
12 grade through sixth grade or something else?

13 A. It is from the first to the fourth
14 or fifth grade.

15 Q. Did you complete your elementary
16 education?

17 A. Yes, I did.

18 Q. Then did you continue onto a
19 different school for either middle school or
20 high school?

21 A. Yes, middle school continued in the
22 same school building.

23 Q. How many years was middle school?

24 A. It's from fifth to the ninth grade.

25 Q. After you finished ninth grade, did

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1 **KHUSENVOS**

2 **you continue onto high school?**

3 A. No, I didn't.

4 **Q. How old were you when you completed**
5 **middle school?**

6 A. I don't remember for sure but I was
7 probably 13 or 14 years old.

8 **Q. Do you remember the year when you**
9 **completed middle school?**

10 A. I don't remember now.

11 **Q. Is there a reason why you did not**
12 **continue onto high school?**

13 **MR. GITELMAN: Note my objection.**

14 **You can answer.**

15 A. Because there is no high school
16 after ninth grade. After ninth grade, you can
17 continue with college.

18 **Q. Is there a reason -- did you**
19 **continue on with college after that or was that**
20 **the end of your education in school?**

21 A. Yes, I did continue. I went to
22 that academic high school.

23 **Q. How many years did you do there?**

24 A. Three years.

25 **Q. Did you graduate?**

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2 A. Yes.

3 **Q. Did you receive a degree?**

4 A. Yes, I did.

5 **Q. What kind of degree was it?**

6 A. They gave me a green diploma.

7 **Q. What does the green diploma mean?**

8 A. It means that I graduated with

9 medium grades.

10 **Q. Did you have a major?**

11 A. No.

12 **Q. What kind of courses did you take**
13 **at the academic high school?**

14 A. Math, literature, mother tongue
15 language, geometry.

16 **Q. Do you know if the lyceum school is**
17 **equivalent to high school in the United States?**

18 A. I don't know. Probably but I don't
19 know.

20 **Q. Did you continue onto any type of**
21 **school after graduating from academic lyceum?**

22 A. No.

23 **Q. Did you attend any type of trade**
24 **school?**

25 A. No. L-Y-C-E-U-M.

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2 Q. How old were you when you graduated
3 from academic Lyceum?

4 A. 17, 18.

5 Q. How long after you graduated from
6 academic Lyceum did you come to the USA?

7 A. I don't remember for sure but after
8 three or four years.

9 Q. In those three to four years after
10 you graduated from academic Lyceum and before
11 you came to the USA, what did you do?

12 A. I was working with my father
13 helping him.

14 Q. Where was that that you were
15 working?

16 A. I did buying and selling with my
17 father for trade.

18 Q. Did you say trading?

19 A. Yes, trading.

20 Q. What were you buying and selling
21 and trading?

22 A. Construction materials.

23 Q. Like what for example?

24 A. For example, ceiling materials,
25 tiles, things like that.

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2 Q. Where did you buy the materials
3 from?

4 A. We used to -- in Uzbekistan itself,
5 for example, from Gashkeng, G-A-S-H-K-E-N-G.
6 We would order and they would deliver.

7 Q. Then you would sell it to who?

8 A. There was a market and we would
9 sell it at the market. People would come and
10 we would sell it to them.

11 Q. Earlier when you said trading, did
12 you also trade those materials at the market
13 for other stuff?

14 MR. GITELMAN: Note my objection to
15 form. You can answer.

16 A. No.

17 Q. What did you mean then when you
18 said trading?

19 A. We used to buy materials and we
20 used to sell the material to those people who
21 needed those materials. It's like closed to
22 Home Depot like an American version.

23 Q. I'm just trying to understand when
24 you said trading, what were you referring to?
25 Is it the same thing as buying and selling or

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1 KHUSENVOS

2 an additional?

3 A. No. The meaning is only -- we used
4 to buy and sell it.

5 Q. Thank you for clarifying.

6 Earlier you said that they would
7 deliver it. With regards to the product that
8 you were buying and selling, was the product
9 delivered by a third party to you or did you
10 have to pick it up and ship it yourself? How
11 did that work?

12 A. We used to go and get it.

13 Q. Do you have a drivers license?

14 MR. GITELMAN: Presently or in
15 Uzbekistan?

16 Q. Presently, do you have a drivers
17 license?

18 A. No.

19 Q. Did you have one in Uzbekistan?

20 A. No, I didn't have it in Uzbekistan
21 either.

22 Q. Did you drive in Uzbekistan?

23 A. No.

24 Q. Do you know how to drive?

25 A. No.

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2 Q. Specifically with the work that you
3 were helping your father do, what was your --
4 what were your duties?

5 MR. GITELMAN: We're talking about
6 in Uzbekistan, correct?

7 MS. VASQUEZ: Yes. When they said
8 he was helping his father for those
9 three to four years.

10 A. I used to help him by showing the
11 materials to the clients that would come there.

12 Q. Would you describe yourself as a
13 salesman?

14 A. Yes, you can say that.

15 Q. You did that job for three to
16 four years?

17 A. Yes, is that correct.

18 Q. Is that the only job that you held
19 between the time you graduated from academic
20 Lyceum until you came to the USA?

21 A. Yes, that's correct.

22 Q. Do you speak any English currently?

23 A. Little bit, not much.

24 Q. Have you understood any of the
25 questions I've asked in English?

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2 A. No, not all of them.

3 Q. Some of them?

4 MR. GITELMAN: Counsel, he answered
5 the question.

6 MS. VASQUEZ: Well, he said not all
7 of them. So my follow-up question is
8 any of them.

9 MR. GITELMAN: It's kind of implied
10 in the answer but okay.

11 Q. Did you understand any of them?

12 A. Not all of them. I didn't
13 understand a lot of it.

14 Q. But you understood some of them; is
15 that correct or am I wrong?

16 A. A little bit, yes.

17 Q. Did you ever take English classes
18 while in the USA?

19 A. No.

20 Q. While you were in Uzbekistan, did
21 you ever take English language courses?

22 A. No, I didn't. They didn't have it.

23 Q. At any time since arriving in the
24 US, have you made any efforts to enroll or take
25 any English language courses?

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2 MR. GITELMAN: Note my objection to
3 form. You can answer.

4 A. No.

5 Q. Are you right-handed or
6 left-handed?

7 A. Right-handed.

8 MR. GITELMAN: Are we talking about
9 before the accident or presently because
10 obviously we know the situation with his
11 right hand?

12 Q. Before this accident happened, were
13 you right-handed?

14 A. Yes, right-handed.

15 Q. When you first arrived in the US,
16 did you already have a job or -- withdrawn.

17 When you first arrived in the US,
18 did you immediately begin to work?

19 A. Not right away.

20 Q. When did you first start working
21 when you got here?

22 A. After I came back. Two,
23 three months later after I came back.

24 Q. Can you clarify that for me,
25 please? I'm trying to understand what you mean

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1 **KHUSENVOS**

2 **by after I came back. Came back from where?**

3 A. After I came from Uzbekistan.

4 **Q. Had you been in the U.S. at any**
5 **time before you came here in 2018?**

6 A. No.

7 **Q. Where was that job that you had two**
8 **to three months later after you arrived?**

9 A. I worked at the gym.

10 **Q. What gym was that?**

11 A. The name is Complete Body in
12 Manhattan.

13 **Q. What street is that on?**

14 A. It is on 25 14th Street.

15 **Q. I'm sorry, can you repeat that,**
16 **please?**

17 A. 25 14th Street. There was another
18 branch. It is on the Wall Street. It is
19 called Wall Street.

20 **Q. How long did you work in total for**
21 **Complete Body?**

22 A. I worked for about seven months.

23 **Q. Did you work at both locations on**
24 **14th Street and Wall Street or just one of them**
25 **or something else?**

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1 **KHUSENVOS**

2 A. I mostly worked on 25 14th. If
3 there was a need, if they needed me at Wall
4 Street, then I would go there.

5 Q. What job did you have?

6 A. I did cleaning again. I clean
7 equipments in their places and stuff.

8 Q. Was that job on the books or off
9 the books?

10 MR. GITELMAN: Objection. Why is
11 that relevant? Don't answer that
12 question.

13 Q. Alright. You know what --
14 withdrawn.

15 Do you have -- when you were
16 working at Complete Body, did you have working
17 papers?

18 A. No, I didn't have papers.

19 Q. Did you have any type of Visa that
20 allowed you would work in the U.S.?

21 A. No, I didn't.

22 Q. Did you have a green card?

23 A. No.

24 Q. Were you a U.S. citizen?

25 MR. GITELMAN: Note my objection.

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2 **You can answer.**

3 A. No.

4 **Q. Were you paid in cash?**

5 A. Are you asking my citizenship now
6 or at the time when I had the accident?

7 **Q. The time when you were working for**
8 **Complete Body.**

9 A. At that time it was a process
10 waiting for the green card.

11 **Q. Currently, do you have a green**
12 **card?**

13 A. Yes, I do have it now.

14 **Q. When did you get it?**

15 A. Recently in December I received the
16 papers.

17 **Q. Did you receive a Social Security**
18 **number in connection with that green card?**

19 A. No, not yet. I was told that it's
20 in the process. I didn't receive it yet.

21 **Q. So back to when you were working**
22 **for Complete Body, were you paid in cash?**

23 **MR. GITELMAN: Note my objection.**

24 **He can answer.**

25 A. I used to have. They could not pay

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2 me cash but there was another person from my
3 city who would receive the money and then he
4 would give money to -- give some money to me
5 for my transportation and for my daily parking
6 expenses.

7 Q. What hours were you working at the
8 time?

9 A. I was working from Monday to
10 Saturday.

11 Q. How many hours per day?

12 A. Mostly from eight to 12 or one but
13 sometimes if they needed more help, I would
14 stay for an extra two hours.

15 Q. So about four hours, maybe five
16 hours a day whenever you did work?

17 A. That's correct.

18 Q. And you were working six days a
19 week at the time?

20 A. Correct.

21 Q. How much money were you receiving
22 from your friend who paid you?

23 MR. GITELMAN: His friend or
24 Complete Body, both?

25 MS. VASQUEZ: His testimony was

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1 KHUSENVOS

2 that he couldn't get paid so his friend
3 gave him the money.

4 MR. GITELMAN: I don't think that
5 was the testimony.

6 MS. VASQUEZ: Let's go back and
7 clarify.

8 MR. EVANS: That's what I
9 understood it to be. So maybe there
10 needs to be a clarification.

11 MR. GITELMAN: Sure.

12 Q. Mr. Khusenvos, we just want to
13 clarify. I understood when you were working
14 for Complete Body, you were unable to be paid
15 directly. So your friend got paid and then he
16 gave you money; is that correct or is that
17 wrong?

18 A. Yes you can say that.

19 Q. Is the reason that you could not
20 get paid is because you didn't have working
21 papers?

22 A. That's correct.

23 Q. How much money were you getting
24 from your friend?

25 A. Per week he was giving me five to

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1 KHUSENVOS

2 \$600.

3 Q. Did you receive five to \$600 for
4 the seven months that you worked at Complete
5 Body?

6 A. Sometimes if I didn't work many
7 hours, I would get paid less. And also at the
8 beginning when I started, I was receiving \$300,
9 \$400.

10 Q. So for what period of time did you
11 receive three to \$400 and just as a follow-up
12 question for what period of time were you
13 receiving five hundred to \$600?

14 A. At the beginning when I started
15 working, I was getting that money they said
16 that we are going to see how you work and then
17 you will be paid accordingly.

18 Q. Yes, for how long did you get three
19 to \$400?

20 A. Two, three months after when I
21 started working there.

22 Q. And then the next four months you
23 received \$500 to \$600; is that correct?

24 A. Yes, after that I started getting
25 \$500 to \$600.

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1 KHUSENVOS

2 Q. I'm going to go back just for one
3 second. I apologize for not asking this
4 sooner. When you were working with your father
5 those three to four years before coming to the
6 USA, were you getting paid?

7 MR. GITELMAN: Note my objection.
8 You can answer.

9 A. He used to give me money for my
10 usage for me to use.

11 Q. How much money did he give you
12 either weekly or monthly or however it's
13 easiest for you?

14 MR. GITELMAN: Note my objection.
15 You can answer.

16 A. Weekly.

17 Q. How much money were you receiving
18 weekly?

19 A. He would give me about a hundred
20 thousand Soum in Uzbek currently.

21 Q. Was that true for the three to
22 four years that you worked with your father in
23 Uzbekistan?

24 A. Sometimes he would give more.
25 Sometimes he would give about that amount.

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1 KHUSENVOS

2 Q. Do you know about how much money is
3 a hundred thousand Soum in American dollars?

4 A. No, I don't.

5 Q. How did you get the job at Complete
6 Body?

7 A. A guy I know. I was not working.
8 I didn't have a job. We used to talk on the
9 phone and I told him that I didn't have a job
10 and then he offered me this.

11 Q. Is this -- do you know this
12 person's name?

13 A. Yes, I do.

14 Q. What's his name?

15 A. Fariz, F-A-R-I-Z. Latipov,
16 L-A-T-I-P-O-V.

17 Q. Is this person Ms. Latipov the one
18 who paid you the money in cash?

19 A. Yes, he was in between. And then
20 he would give me the cash.

21 Q. After the seven months that you
22 were working at Complete Body, did you get a
23 different job?

24 A. No. The quarantine started and
25 then the place was closed down.

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1 KHUSENVOS

2 Q. So approximately when was your last
3 day there or month, however you can remember
4 it?

5 A. I don't remember now.

6 Q. Was it in March of 2020?

7 A. Yes, it was in 2020 sometime in the
8 spring when the quarantine just started.

9 Q. Did you have another job after
10 that?

11 A. I stayed home.

12 Q. When did you -- did you get another
13 job at some point after the quarantine?

14 A. Yes. Somebody I know, he told me
15 that there was a job at Halal meat, H-A-L-A-L,
16 meat. He told me that there was a job.

17 Q. Who is this person that told you
18 about the job?

19 A. His first name is Sanjar,
20 S-A-N-J-A-R. I do not remember his last name.

21 Q. Were you interviewed before you got
22 the job?

23 A. No.

24 Q. How did you know you had gotten
25 this job?

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2 A. The main person who is responsible
3 to hire, he asked me if I could do these kinds
4 of jobs and then he told me -- he asked me if I
5 can do and this kind of job.

6 **Q. The main person, who is that?**

7 A. You need the name?

8 **Q. Yes.**

9 A. His first name is Hussein. I do
10 not know his last name.

11 **Q. Approximately, how old is he?**

12 A. Over 40.

13 **Q. Did he call you or did you call him**
14 **or how was it that you and he got connected?**

15 A. Sanjar called me and he said that
16 they need workers and I had to come to the
17 store and meet with the boss or with the person
18 and I came to the store and they told me what
19 kind of work had to be done.

20 **Q. So tell me what work they told you**
21 **had to be done?**

22 A. They told me that I would be
23 working at the chicken department. Prepping
24 and preparing it.

25 **Q. Did he tell you anything else?**

Isojon Khusenvos, 1/26/2022

1 KHUSENVOS

2 A. No.

3 Q. Did they give you any other --
4 withdrawn.

5 Did they list or identify any other
6 duties that you would be performing if you got
7 the job?

8 A. No.

9 Q. Did they tell you that you would be
10 working with any type of machinery like a meat
11 grinder?

12 A. No.

13 Q. Other than cutting and preparing
14 chicken, were you told anything else about the
15 job that you'd be getting if you got the job?

16 A. No.

17 Q. You obviously got the job, correct?

18 A. Yes.

19 Q. When was your first day?

20 A. If I'm not mistaken, it was
21 sometime in the summer or the beginning of the
22 summer. It's when they started opening up the
23 stores like this.

24 Q. That's in the year 2020?

25 A. Yes.

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1 KHUSENVOS

2 Q. What were you offered as far as
3 salary?

4 A. They told me that we will see how
5 you work and then we will tell you how much you
6 were going to give you.

7 Q. When did you receive your first
8 paycheck -- withdrawn.

9 How long after you started working
10 there in the summer of 2020 did you receive
11 your first paycheck?

12 A. After three days, they told me we
13 saw how you work and they said we are going to
14 give you around a hundred per day.

15 Q. How many days a week were you given
16 to work?

17 A. I worked from 9:00 a.m. 'til 8,
18 9 p.m.

19 Q. How many days a week did you work?

20 A. Six days a week.

21 Q. What days were those?

22 A. Monday to Saturday. If I worked on
23 Sunday, they would give me one day off during
24 the week.

25 Q. So am I correct that you were

Isojon Khusenvos, 1/26/2022

1 KHUSENVOS

2 earning \$600 a week?

3 A. Yes.

4 Q. On the day of your accident, were
5 you still earning the same amount of money?

6 A. No, they would give me more at the
7 time.

8 Q. So what period of time did you earn
9 \$600 a week for a month, two months, less than
10 that, more than that?

11 A. I used to receive it every Friday.

12 Q. Yes, but for what period of time
13 did you get paid \$600 a week? Was it --
14 withdrawn.

15 You testified that when your
16 accident occurred, you were already getting
17 paid a different amount of money. So what I'm
18 trying to understand is, for how long were you
19 paid \$600 per week until it changed to
20 something else?

21 A. Approximately three, four months.

22 Q. And then after those three,
23 four months, were you getting paid more money?

24 A. They started paying me hourly.

25 Q. Do you remember approximately what

Isojon Khusenvos, 1/26/2022

1 KHUSENVOS

2 month that was?

3 A. No, I don't remember now.

4 Q. How much were you paid per hour?

5 A. They started with 12 per hour.

6 Q. Were you paid in cash?

7 A. That's correct.

8 Q. Did you receive any kind of receipt
9 or invoice or anything that would show the
10 amount of money you were paid?

11 MR. GITELMAN: Objection to form.

12 I don't think receipts or invoices apply
13 to this question. I think you mean pay
14 stubs or tax returns or something like
15 that.

16 Q. I'll adopt that thank you. Pay
17 stubs or any type of receipt.

18 MR. GITELMAN: W2s or pay stubs.

19 A. When the time was to get paid,
20 there would be a list of people and then next
21 to it they would be how many hours that person
22 worked and then according to that, they would
23 pay.

24 Q. This list of people, was that
25 posted somewhere inside the store?

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1 **KHUSENVOS**

2 A. Yes, it could be in the office in
3 the store.

4 Q. Were you still getting paid weekly?

5 A. Yes.

6 Q. How much were you receiving per
7 week?

8 A. You mean at the time when I started
9 being paid hourly?

10 Q. Yes, when you started getting paid
11 \$12 per hour?

12 A. Yes, it is like that.

13 MR. GITELMAN: She wants to know
14 how much money per week in total he
15 made, approximately.

16 A. When they started paying me \$12 per
17 hour, I started receiving \$800, \$900, somewhere
18 there.

19 Q. That's every week, correct?

20 A. Yes.

21 Q. When you started getting paid \$12
22 per hour, did they change your hours or were
23 you still working the same hours?

24 A. They increased the hours.

25 Q. What did your hours get increased

Isojon Khusenvos, 1/26/2022

1 **KHUSENVOS**

2 **to?**

3 A. In the past, it was mostly 'til
4 eight but after the change, we started staying
5 there until nine, ten and finished up some
6 other stuff at the store.

7 Q. Initially you indicated that you
8 worked from approximately 9:00 a.m. to eight or
9 9:00 p.m. six days a week. When they increased
10 your hours, what did they increase your hours
11 to, just working an extra two hours at the end
12 of the day or something else?

13 A. Yes, I made edit some hours at the
14 end of the day and also I started working on
15 the weekends on the day of.

16 Q. You started working an extra day on
17 Sunday as well?

18 A. Not all the time. If they told me
19 so, then I would.

20 Q. In addition to increasing your
21 hours and increasing you're changing the way
22 they paid you from weekly to hourly, did they
23 also change your duties or did your duties
24 remain the same working in the chicken
25 department cutting and preparing chicken?

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2 A. No.

3 Q. Your duties remained the same; is
4 that correct?

5 A. I mostly worked with the same
6 responsibilities. The only thing they edit was
7 packaging the beef.

8 Q. Can you tell me what you mean by
9 packaging the beef?

10 A. I mean the meat that is put on a
11 display to be sold. It was wrapped in a
12 plastic and then put in the store window to
13 sell.

14 Q. You wrapped it in plastic; is that
15 what you're saying?

16 MS. VASQUEZ: We'll take a
17 five-minute break.

18 (Whereupon, a five-minute break was
19 taken.)

20 Q. On the date of your accident, were
21 you still receiving \$12 per hour and working
22 approximately the same hours that you just told
23 me about?

24 A. They increased the salary a little
25 bit more per hour.

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2 Q. Tell me what you were -- what the
3 increase was -- wait. Withdrawn.

4 How many more increases did you
5 have in your salary after it was increased to
6 \$12 per hour?

7 A. By the time of the accident, they
8 changed it three, four times.

9 Q. Tell me what those different
10 increases were, please.

11 A. They added one dollar every month
12 and a half or two.

13 Q. What was your salary per hour on
14 the date of the accident?

15 A. At the time when I was injured,
16 they were paying \$17 per hour.

17 Q. You went up to 13, 14, 15, 16 and
18 then \$17 per hour every two months; is that
19 correct?

20 A. Yes, that's correct.

21 Q. With every increase in your hourly
22 pay, did your hours change as well?

23 A. No, the hours stayed the same.

24 Q. What about your duties, did they
25 change with every increase and payment?

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1 **KHUSENVOS**

2 A. Not much. If there was something
3 else that had to be done, they would tell me.

4 **Q. What different things were you --**
5 **withdrawn.**

6 **What different assignments or jobs**
7 **were you given to do other than the beef**
8 **packaging and the chicken cutting and prepping?**

9 A. Sometimes they would add the task
10 that I would have to package the lamb as well.

11 **Q. Anything else?**

12 A. Also, my responsibilities was to
13 receive the chicken and put them in their
14 places.

15 **Q. Anything else?**

16 A. They also would ask us to unload
17 the beef that would come there. We would take
18 it out from take it down and then in order to
19 put in the refrigerator.

20 **Q. Anything else?**

21 A. No.

22 **Q. When you first started working at**
23 **Halal meat, were you given any type of training**
24 **or any type of instructions on what to do?**

25 **MR. GITELMAN: With regard to which**

Isojon Khusenvos, 1/26/2022

1 KHUSENVOS

2 task?

3 MS. VASQUEZ: When he first
4 started. So that would be the chicken
5 cutting and prepping.

6 A. No, they didn't train me or
7 anything. They said that you will do this and
8 this and that's it.

9 Q. They told you what you would be
10 doing but they didn't show you how to do it?

11 A. No.

12 Q. Can you be more specific then when
13 you said that you didn't get training or
14 anything, I just want to know exactly what they
15 said to you or how they explained to you what
16 work you'd be doing?

17 A. They just showed me one or two
18 times what to do, how to pack and that's it.

19 Q. Would it be fair to say that after
20 every additional duty they gave you, they
21 showed you how to do it one or two times and
22 then you did it?

23 MR. GITELMAN: Note my objection to
24 form. He didn't say that you did,
25 counsel. You can answer.

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2 MS. VASQUEZ: You need me to
3 rephrase that?

4 MR. GITELMAN: I would prefer if
5 you rephrase it.

6 Q. Was it the same with every
7 additional duty you were given to perform that
8 they just showed you one or two times how to do
9 it and then you did it?

10 A. No.

11 Q. Did they give you any additional
12 instruction after they added additional duties
13 to your job?

14 A. No. Not at all.

15 Q. So earlier you said that when you
16 first started working with the chicken, they
17 showed you how to do it one or two times and
18 that was it; is that correct?

19 A. That's correct.

20 Q. With every additional duty they
21 gave you, did they do the same thing did they
22 show you how to do it one or two-times?

23 MR. GITELMAN: Note my objection.

24 Asked and answered. You can answer.

25 A. No, they didn't show it to anyone.

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2 Q. Other than your employment at Halal
3 meat, were you working anywhere else?

4 MR. GITELMAN: When exactly?

5 MS. VASQUEZ: While he was working
6 for Halal Meat.

7 A. No.

8 Q. While you were working for Halal
9 Meat, did you receive income from any other
10 sources other than your employment with Halal
11 Meat?

12 A. No.

13 Q. At any point after arriving at the
14 US, did you file any taxes?

15 A. No.

16 Q. At any point after arriving at the
17 US, did you receive Medicaid?

18 A. Yes.

19 Q. When did you first receive
20 Medicaid?

21 A. After we came to America, they gave
22 Medicaid after a month. After we came to the
23 states.

24 Q. After you arrived in the USA, did
25 you receive any food stamps?

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2 A. No.

3 Q. After arriving in the USA, did you
4 receive any other assistance from the City or
5 the State of New York?

6 A. No.

7 Q. At any point before you started
8 working at Halal Meat, did you ever have any
9 experience working with meat grinders?

10 A. No. I had never used it before.

11 Q. At any time before working for
12 Halal Meat, did you ever -- withdrawn.

13 Did your family ever own a meat
14 grinder?

15 MR. GITELMAN: Objection. What
16 kind?

17 MS. VASQUEZ: Just a regular meat
18 grinder.

19 A. No.

20 Q. Did you ever use any type of meat
21 grinder at any time before you began working at
22 Halal Meat?

23 A. No, I had never used it before.

24 Q. Before you started working for
25 Halal Meat, had you ever seen anyone using a

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2 **meat grinder?**

3 A. I saw the kind that they use in
4 Uzbekistan. It was different from the kind
5 here.

6 Q. Tell me what kind of meat grinder
7 you saw in Uzbekistan.

8 A. It is a manual one. You put the
9 meat and then you do -- you roll it with your
10 hands and it grinds it. A gentleman showed his
11 motion rolling the meat grinder.

12 MR. GITELMAN: Did it have a hand
13 crank the one that you saw?

14 A. Yes, correct.

15 Q. When that hand crank is moved,
16 that's when the meat is ground?

17 A. That's correct.

18 Q. So what was your understanding when
19 you saw the meat grinder being used in
20 Uzbekistan, what was your understanding of how
21 a meat grinder works?

22 A. I never was interested in how it
23 worked. Some people were using it. I saw that
24 they were using it but I never used it myself.

25 Q. At the time did you have a basic

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2 understanding of what a meat grinder was used
3 for?

4 MR. GITELMAN: Note my objection to
5 form. You can answer.

6 A. No, because in Uzbekistan, they
7 used to use that equipment not just for meat.
8 For other things too.

9 Q. Like what, for example?

10 A. They used to use it for carrots and
11 for potatoes in order to make carrots. It's
12 kind of a mixture of vegetables.

13 Q. What would happen to the carrots
14 and the tomatoes when they would be put in the
15 meat grinder back in Uzbekistan?

16 A. I would bring it out in small
17 pieces.

18 Q. What would happen to the meat when
19 they put it into the meat grinder back in
20 Uzbekistan?

21 A. The meat would come out like light
22 tomato in small pieces.

23 Q. You understood at the time the meat
24 grinder would take big pieces of meat and
25 carrots and potatoes and make them into smaller

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1 **KHUSENVOS**

2 **pieces, correct?**

3 A. As I saw, it's what I understood.

4 Q. Did you ever use any of those meat
5 grinders in Uzbekistan the one that you
6 described with the handcraft?

7 MR. GITELMAN: Objection. Asked
8 and answered. You can answer.

9 A. No.

10 Q. At any time before working for
11 Halal Meat, once you arrived in the USA, did
12 you use any type of meat grinder whether
13 commercial or a home meat grinder, any kind of
14 meat grinder?

15 A. No. I had never used it.

16 Q. When was the first time that you
17 used the meat grinder?

18 A. I don't remember the exact time but
19 it happened at the store. They called me and
20 they asked me to grind the meat.

21 Q. Do you remember approximately how
22 many months after you had been hired at Halal
23 Meat they called you and asked you to grind the
24 meat?

25 A. Approximately after six months.

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2 Q. During those first six months that
3 you worked at Halal Meat, was there a meat
4 grinder in the store?

5 A. Yes, it was.

6 Q. Was it the same meat grinder that
7 was involved in your accident or a different
8 one?

9 A. As far as I know, there were two
10 types of meat grinders.

11 Q. So you recall there being two
12 different types of meat grinders in the store
13 during those first six months that you were
14 working there?

15 A. Yes. There were two kinds and they
16 would exchange or they would change them and I
17 saw that they were two different kinds.

18 Q. Where were the meat grinders kept,
19 generally speaking?

20 A. They were -- I believe they were
21 put in shelves. I didn't used to work in that
22 area but as far as I saw --

23 Q. Do you know if the two different
24 meat grinders, were they the same company type
25 of meat grinders, were they different company,

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2 **brand names or something else?**

3 A. I don't know. It was not the area
4 where I worked. That's why I wasn't interested
5 and I don't know.

6 Q. That's perfectly fine. I just want
7 your recollection. If you don't remember,
8 that's perfectly fine.

9 Were the two meat grinders as far
10 as you can recall, were they different type of
11 meat grinders or the same type of meat
12 grinders? What is your recollection?

13 A. I don't know that but by the size,
14 they were different. One of them was smaller
15 and the other one was bigger.

16 Q. Were they both electrical -- had
17 electrical powering?

18 A. Yes.

19 Q. Were they both the same color?

20 A. I don't know for sure but they
21 looked alike.

22 Q. The meat grinder that was involved
23 in your accident, was that one of the two meat
24 grinders you're telling me about now?

25 A. Yes, that's right.

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2 Q. Do you know if the two different
3 meat grinders were used for different products?

4 A. I don't know that.

5 Q. You described them as one was
6 smaller and one was bigger. The meat grinder
7 that was involved in your accident, was the
8 small one or the bigger one?

9 A. The big one.

10 Q. With regard to the bigger meat
11 grinder, the one that was involved in your
12 accident, was it already there when you started
13 working at Halal Meat?

14 MR. GITELMAN: That started working
15 that day or ever?

16 MS. VASQUEZ: No, when he started
17 working at Halal Meat, that was -- I
18 remember sometime in December of 2020?

19 MR. GITELMAN: Yeah.

20 A. I don't know but when I -- when
21 they asked me to grind the meat, it was the big
22 one.

23 Q. Earlier you testified that there
24 were two meat grinders when you first started
25 at Halal Meat, I just want to make sure I

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2 understand. The bigger meat grinder, the one
3 that was involved in your accident, was that
4 already there when you started working at Halal
5 Meat?

6 MR. GITELMAN: He just answered
7 that question. He said I don't know.
8 You just asked that question.

9 Q. Let me withdraw that then.

10 Do you have any recollection at all
11 of seeing the meat grinder that was involved in
12 your accident for the first six months when you
13 were working at Halal Meat?

14 MR. GITELMAN: The exact same one?
15 That exact one?

16 MS. VASQUEZ: The same one, yes.

17 A. I don't remember that.

18 Q. Before -- in the six months before
19 you were asked to start grinding meat, do you
20 have any recollection of seeing any of the
21 employees at Halal Meat using a meat grinder?

22 MR. GITELMAN: Note my objection.
23 You can answer.

24 A. No, I didn't but I knew that they
25 were using the equipment because when I was

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2 working there, I would hear the noise -- sounds
3 of it and then I would know that they were
4 using it.

5 Q. So you knew that meat grinder was
6 being used. Is that what you were saying
7 because you heard it not because you saw it?

8 A. Correct.

9 Q. The Halal market, it's a meat
10 market, correct?

11 A. It is a meat market, a meat store
12 and also it has some other products too.

13 Q. The department where they have the
14 meat, is that the -- withdrawn.

15 In the department where they have
16 the meat, did they sell whole portions of meat
17 as well as ground meat?

18 A. The meat would come in as one whole
19 one and then they would cut it and then sell
20 the cut parts.

21 Q. They would also sell the ground
22 meat parts as well, correct?

23 A. Yes, correct.

24 Q. And the meat was ground at the
25 store, correct?

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2 A. That's correct.

3 **Q. Was meat being ground on a daily**
4 **basis at the store?**

5 A. I don't know because I worked in a
6 different department and sometimes if I pass by
7 then I would see. Otherwise, I wouldn't see.
8 I wouldn't know.

9 **Q. Did you hear the sounds of the meat**
10 **grinder every day while you were working?**

11 A. I would hear it. If I went up
12 there to put some of my stuff there and then I
13 would hear otherwise, I wouldn't hear it.

14 **Q. Let me just ask again then just to**
15 **clarify.**

16 **Did you hear the meat grinder sound**
17 **every day when you were at the store?**

18 A. I used to work downstairs and if I
19 went upstairs, I would hear it. If I were
20 working downstairs only, then I wouldn't hear
21 the sound.

22 **Q. So the answer is no, you wouldn't**
23 **hear it every day?**

24 A. Correct.

25 **Q. When you worked six to seven days a**

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1 **KHUSENVOS**

2 **week, how often would you hear it?**

3 A. I don't know for sure but maybe
4 two, three times.

5 **Q. How long after -- withdrawn.**

6 You testified that the first time
7 you were asked to use the meat grinder was six
8 months after you started working at the store,
9 correct?

10 A. That's correct.

11 **Q. How long after that first time did**
12 **your accident happen?**

13 A. After a little time. Maybe a month
14 or two. Maybe a month or so.

15 **Q. Do you have a recollection of how**
16 **many times you used the meat grinder during**
17 **that month or so before your accident?**

18 A. I used to use it maybe four or five
19 times a week. It wouldn't happen every day it
20 would happen from time to time. They would
21 call me when it's needed. For example, if the
22 owner of the store wasn't there, then they
23 would call me upstairs and then I would come
24 and help them.

25 **Q. The meat grinder that you used that**

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2 **first time, six months after you started**
3 **working for Halal Meat, was it the meat grinder**
4 **that was involved in your accident?**

5 A. I don't know for sure because they
6 would change the meat grinders. Sometimes it
7 would be a small one, sometimes a big one.

8 Q. After you started using the meat
9 grinder and before your accident, that period
10 of time which you testified was approximately
11 one month or so, you used both of the meat
12 grinders that the store had?

13 A. Yes, sometimes there would be a
14 smaller one and sometimes when I came up, it
15 would be a smaller one this way. I knew that
16 they were two different types.

17 Q. My question is: You use both of
18 them, correct?

19 A. That's correct.

20 Q. Can you approximate in anyway how
21 many times you used the meat grinder that was
22 involved in your accident before your accident
23 happened?

24 A. I don't know for sure but not too
25 many times, maybe two or three times.

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2 Q. And the other meat grinder, the
3 smaller one that you also mentioned, how many
4 times did you use that one?

5 A. I don't know. Most of the time
6 when I -- when it was used, it was the big one
7 as far as I know.

8 Q. By the big one, we're talking about
9 the meat grinder involved in your accident,
10 correct?

11 A. That's correct.

12 Q. Let's talk about the first time
13 that you used the meat grinder involved in your
14 accident. Where were you when you saw it?

15 A. I used to work downstairs with the
16 chicken and then when the head of that
17 department upstairs was sick or he wasn't
18 there, they would ask me to come up and they
19 would tell me, take this and bring it here and
20 then grind it.

21 Q. Who was the head of the department
22 that you just described?

23 A. Hussein.

24 Q. That's the person who hired you,
25 correct?

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1 **KHUSENVOS**

2 A. He didn't hire but he is the head
3 of that department who oversees the meat
4 department.

5 Q. The first time you saw the meat
6 grinder, the meat grinder and you were in the
7 meat department upstairs; is that correct?

8 A. That's correct.

9 Q. Where was the meat grinder
10 specifically in the meat department? Was it
11 near the glass display where the meat is shown
12 or was it somewhere else?

13 A. It was behind the glasses where it
14 was displayed. So it would be done and then it
15 would be given to the client.

16 Q. Was it on a table?

17 A. Yes.

18 Q. Is that where that meat grinder was
19 normally kept or was it kept somewhere else
20 when it wasn't being used?

21 A. When it was not used, as I said
22 earlier, there was a shelf they would put it
23 over there.

24 Q. The shelves that you're talking
25 about, was that in a different location or is

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2 that in that same area where the glass display,
3 the meat glass display is located?

4 A. It was behind the glass display.
5 It was right behind it where people who worked
6 in the meat department used to work behind the
7 glass display.

8 Q. Was it underneath a table or
9 underneath a -- withdrawn.

10 Was it underneath the table?

11 A. Yes.

12 Q. The first time that you were called
13 to work on a meat grinder, who called you up?

14 A. There was people who used to work
15 at the meat department upstairs. They would
16 call me to work to come up.

17 Q. Can you identify any of those
18 people?

19 A. Yes, I can.

20 Q. Can you tell me who they are?

21 A. Hussein as I mentioned earlier,
22 another person Alisher, A-L-I-S-H-E-R, and
23 Sanjar.

24 Q. What was Alisher's job title at the
25 meat market?

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1 **KHUSENVOS**

2 A. He was just a regular worker who
3 used to prepare the meat and sell the meat.

4 **Q. Do you know what his title was?**

5 A. No, I don't know.

6 **Q. What about Sanjar?**

7 A. He was a regular worker as well who
8 prepared the meat and helped to unload the
9 meat.

10 **Q. And you said Hussein was the head**
11 **of the department, right?**

12 A. Yes, the head of the department.

13 **Q. What was your job title when you**
14 **were hired initially at Halal Meat?**

15 A. I was a regular worker and I worked
16 downstairs to pack the meat.

17 **Q. Did your job title ever change?**

18 A. No.

19 **Q. Were you ever told that you were an**
20 **assistant butcher?**

21 A. No.

22 **Q. Were you ever told that you were an**
23 **apprentice butcher?**

24 A. You can say that. I was kind of a
25 helper to the butcher.

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2 Q. The first time that you got called
3 to use the meat grinder at the store six months
4 after you started working there, who called you
5 specifically, was it Hussein, was it Alisher,
6 Sanjar or someone else?

7 A. It would -- they would rotate not
8 the same person would call every single time.
9 Sometimes Alisher's brother would call.
10 Sometimes Sanjar but I think that time Hussein
11 called.

12 Q. When Hussein called you, did he
13 tell you specifically what he wanted you to do?

14 A. No. He said go over there, bring
15 the meat and then put it there, grind it and
16 that's it.

17 Q. Did he show you how you were going
18 to be putting the meat in the meat grinder?

19 A. No.

20 Q. Other than telling you to put it
21 in, did he do anything else in terms of
22 instruction or training to use that meat
23 grinder?

24 A. No, he didn't give me any
25 instructions or he didn't tell me how it works.

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2 Q. So that first day when you got
3 called, did you actually use a meat grinder?

4 A. Yes, when I came up, they said you
5 take this meat, put it -- put the meat and then
6 grind the meat and that's it.

7 Q. How long did you use the meat
8 grinder at the time?

9 A. Very short time. Maybe one, two
10 minutes. Maybe one minute.

11 MS. VASQUEZ: Let's take a
12 30-minute break.

13 (Whereupon, a 30-minute break was
14 taken.)

15 MS. VASQUEZ: Can you read the last
16 question and the last answer?

17 (Whereupon, the referred question
18 and answer was read back by the
19 Reporter.)

20 Q. While you were working on that meat
21 grinder for that period of time, where was
22 Hussein?

23 A. It would be here and there.

24 Q. The first time -- so the first time
25 that you used a meat grinder at the store for

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2 that one minute period of time, Hussein was not
3 watching you; is that what you're saying?

4 A. No.

5 Q. I want to focus for a moment
6 specifically on the meat grinder that was
7 involved in your accident, okay?

8 A. Okay.

9 Q. So all my questions are relating to
10 that meat grinder, okay?

11 A. Okay.

12 Q. Can you describe that meat grinder
13 the firing time that you saw it?

14 MR. GITELMAN: Describe it. What
15 do you mean? Describe what?

16 MS. VASQUEZ: Every part of the
17 meat grinder. The meat grinder itself.
18 Describe what it looked like.

19 A. I don't remember how it was but it
20 was a square equipment. There was a hole on
21 top where you could meat to be grinded.

22 Q. Was there a tray?

23 A. Yes, there was one.

24 Q. Was it a stainless steel color?

25 A. Yes, it was kind of silver.

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2 Q. When you say there was a hole on
3 top, can you describe what that hole is?

4 A. If it is a big hole you put meat in
5 there and the meat comes out from the other
6 side.

7 Q. Was there anything -- the first
8 time that you saw that meat grinder, was there
9 anything that covered the hole?

10 A. No. It just had a big hole.
11 That's it.

12 Q. At any time before you actually --
13 withdrawn.

14 Did the machine have an on and off
15 button?

16 A. Yes.

17 Q. Where was it located?

18 A. It was on. If I'm working on it,
19 it is on the right side under that tray.

20 Q. When you -- before your accident
21 when you used that machine, was the --
22 withdrawn.

23 Was it two buttons, one on button
24 and one off button?

25 A. Yes, correct.

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1 KHUSENVOS

2 Q. Were they different colors?

3 A. Yes, different.

4 Q. What colors?

5 A. Green and red.

6 Q. Was the green button the on button?

7 A. Yes, correct.

8 Q. Obviously the red was the off,

9 correct?

10 MR. GITELMAN: Can you ask a little
11 bit less leading questions? So I object
12 to the question format.

13 Q. Well, this is a deposition. I
14 think I'm allowed to ask the questions.

15 MR. GITELMAN: Not really. You
16 should be able to have an opportunity to
17 explain something. Not yet or no. Let
18 him answer.

19 Q. Whenever you worked on the subject,
20 whenever you worked on the meat grinder that
21 was involved in your accident before your
22 accident happened, was it always in the same
23 location you described earlier on the table
24 behind the beef display?

25 A. Yes, it was put only to one place,

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2 specific place and then used.

3 Q. Whenever you used that machine, was
4 the -- were the on and off buttons on the right
5 or on the left?

6 A. From the place where I worked, it
7 was on the right side.

8 Q. Were you looking at the machine?

9 MR. GITELMAN: What do you mean?

10 Q. Let me rephrase that.

11 Whenever you worked on the machine,
12 it was directly in front of you, correct?

13 A. Yes, in front of me.

14 Q. Beyond the area where you were
15 working with the machine, was there a wall in
16 front of you or was that the rest of the store
17 or something else?

18 A. There was a wall behind it.

19 Q. Whenever you worked on that machine
20 in the location where you worked on it, the
21 meat display that you described earlier, was
22 that on your right side or your left side?

23 A. It would be on the left side in the
24 back.

25 MS. VASQUEZ: I just want to show

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2 you a photograph. I am going to mark
3 this one as Defendant's A.

4 (Whereupon, the aforementioned
5 16-page document was marked as
6 Defendant's Exhibit A for identification
7 as of this date by the Reporter.)

8 Q. We're going to be marking
9 Defendant's Exhibit A a document that was
10 disclosed with the rule 26 disclosure from
11 Prokraft. It was Exhibit G in that document
12 and we're looking at page 3.

13 So Mr. Khusenvos, are you able to
14 see the screen?

15 A. Yes.

16 Q. Can you tell me what is shown in
17 that photograph? Can you identify that area?

18 A. It is the area -- it's the meat
19 department where meat is cut, where meat is
20 grinded and then where meat is sold to the
21 clients.

22 Q. Is this location the location that
23 you were describing earlier where you would use
24 the subject meat grinder that was involved in
25 your accident when you used it?

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2 A. Yes.

3 Q. When you would use the meat
4 grinder, was the meat grinder in -- withdrawn.

5 Do you see a meat grinder in this
6 photograph?

7 A. Yes, I see it.

8 MR. GITELMAN: For the record, this
9 photograph was taken on July 8th, 2021;
10 is that correct, counsel?

11 MS. VASQUEZ: That is correct.

12 MR. GITELMAN: Okay.

13 Q. Is that meat grinder in the
14 photograph similar to the one that was involved
15 in your accident?

16 A. Yes, it looks like this.

17 Q. When you used the meat grinder
18 before your accident happened, is this the
19 location where that meat grinder was when you
20 used it?

21 A. Yes.

22 Q. Did you usually face the wall when
23 you used the meat grinder?

24 A. Yes, correct.

25 Q. Was the meat display that's shown

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2 in the photograph on the left hand side, is
3 that the same location where it was when you
4 would use the meat grinder before your
5 accident?

6 A. Yes, it was there.

7 Q. Do you see the position that the
8 meat grinder is in this photograph? Is that
9 the same positioning that the meat grinder
10 would be when you used it before your accident?

11 A. Yes, it was at the same place but I
12 see that there are some holes in there at the
13 time the holes were not there.

14 Q. We're going to get to that. I'm
15 just talking general regarding the direction
16 that the positioning of the machine and the
17 direction its facing. We'll get to the other
18 parts later. Was that when you used the meat
19 grinder, before your accident, was it always in
20 the same location, in the same position as it's
21 shown in this photograph?

22 A. Yes.

23 Q. Are you able to see this in the
24 meat grinder that's shown in this photograph,
25 are you able to see the on and off buttons?

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2 A. It's not seen very well but it's
3 something underneath there, below. Yes, it's
4 shown below.

5 **Q. Is that better?**

6 A. Yes, it's seen now better.

7 **Q. Is that the same location where the**
8 **on and off buttons were on the machine that you**
9 **were using before your accident?**

10 A. Yes, like that.

11 **Q. When you were facing the wall and**
12 **the machine was in front of you, the on and off**
13 **buttons were on your left hand side, right?**

14 A. If I'm using the machine, it is on
15 the right side.

16 **Q. Can you explain what you mean by**
17 **that?**

18 A. Can you repeat the question?
19 Maybe, I didn't understand the question right.

20 **MS. VASQUEZ: Can you repeat my**
21 **question, please?**

22 **(Whereupon, the referred question**
23 **was read back by the Reporter.)**

24 A. No. If I'm in the position where
25 I'm using the machine, it's on the right side.

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2 MS. VASQUEZ: Can we just go off
3 the record for a second?

4 (Whereupon, an off-the-record
5 discussion was held.)

6 Q. Mr. Khusenvos, when you used the
7 machine before your accident happened, was the
8 machine setback over to the right side as its
9 shown in this photograph or was it moved closer
10 to the display so that it was directly in front
11 of you?

12 A. No, it would stay at the same
13 place.

14 Q. So you were facing the machine, the
15 front part of the machine where the on and off
16 buttons are you were facing them?

17 A. That's correct.

18 Q. Earlier when I asked you to
19 describe the meat grinder, you said it was
20 square, the square portion of the machine. Is
21 that the body of the machine that you're
22 talking about, the motor?

23 A. Yes, I said where the motor is.

24 Q. Before you used the meat grinder
25 that was involved in your accident, were you

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2 ever shown a manual on how to use the machine?

3 A. No.

4 Q. Did you ever ask to look at a
5 manual?

6 A. No, I didn't ask because I didn't
7 know that the manual existed.

8 Q. Before you started using the
9 machine, when you saw it for the very first
10 time, did it have stickers like the one that's
11 in this photograph?

12 A. No, they didn't have it. I didn't
13 see it.

14 Q. They didn't have it?

15 A. No, I have never seen a sticker
16 there before.

17 Q. Let me just put it closer. You see
18 the stickers that are on this machine now?

19 MR. GITELMAN: Note my objection to
20 form. What do you mean on this machine
21 now? You mean on the machine depicted
22 in the photograph taken over a year
23 after the accident? Sure.

24 MS. VASQUEZ: Yes. We're still
25 looking at Exhibit G photograph number

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2 three.

3 Q. Do you see the stickers on that
4 now?

5 A. Yes, I see them now.

6 Q. Your testimony is that you didn't
7 see them at all before your accident happened;
8 is that correct?

9 MS. VASQUEZ: Can you repeat my
10 question?

11 (Whereupon, the referred question
12 was read back by the Reporter.)

13 MS. VASQUEZ: I'll withdraw.

14 Q. On the machine that you were using
15 that was involved in your accident before your
16 accident happened, did you ever see any of
17 those stickers?

18 A. No, I didn't see them.

19 MS. VASQUEZ: Off the record.

20 (Whereupon, an off-the-record
21 discussion was held.)

22 Q. Mr. Khusenvos, is it your testimony
23 that you don't remember seeing warning labels
24 or that there were no warning labels on the
25 machine that was involved in your accident?

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2 MR. GITELMAN: That was not your
3 question.

4 MS. VASQUEZ: It's a different
5 question. It's a different question.

6 MR. GITELMAN: Okay. Can you read
7 it back, please?

8 (Whereupon, the referred question
9 was read back by the Reporter.)

10 A. They were not there.

11 Q. So this next -- I'm going to show
12 you a photograph Mr. Khusenvos. This is a
13 photograph that was taken on January 10th,
14 2021.

15 MR. GITELMAN: I think two.

16 Q. I'm sorry, 2022 of the machine that
17 was produced by counsel for Karzinka which is
18 the machine, the motor part of the machine, of
19 the meat grinder involved in your accident?

20 MS. VASQUEZ: We're going to mark
21 this as Exhibit B.

22 (Whereupon, the aforementioned
23 photograph was marked as Defendant's
24 Exhibit B for identification as of this
25 date by the Reporter.)

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2 Q. Does this photograph refresh your
3 recollection that the meat grinder involved in
4 your accident had warning labels attached,
5 affixed to the body?

6 A. No, it doesn't remind me because I
7 have never seen this before.

8 Q. Even though you have not seen them
9 before, let's look at them now. Do you see the
10 very top symbol and in the middle of the
11 sticker?

12 A. Yes, I do.

13 Q. That's a triangle shape, a yellow
14 triangle?

15 A. Yes, that's correct.

16 Q. Can you see that there's a hand
17 shown inside that triangle?

18 A. Yes, I see it now.

19 Q. Can you see that it appears that
20 that hand is near a screwdriver looking tool
21 with fingers cut off at the tip; can you see
22 that?

23 A. Are you talking about inside of the
24 red one?

25 Q. No, we're still talking about the

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2 triangle?

3 A. Yes, in the triangle it shows that
4 there is a hand and it's cut off with something
5 like that.

6 Q. Do you see that it appears that
7 fingers are being cut off from the hand?

8 A. It cannot be seen clearly.

9 Q. You cannot see it clearly?

10 A. No, I can't.

11 MS. VASQUEZ: So let me show you
12 another photograph. We're going mark
13 this as Defendant's Exhibit C. This is
14 an exemplar warning label which is an
15 exemplar of the label that's affixed to
16 the subject meat grinder.

17 (Whereupon, the aforementioned
18 photograph was marked as Defendant's
19 Exhibit C for identification as of this
20 date by the Reporter.)

21 Q. Are you able to see the -- let's
22 look at the triangle still. Mr. Khusenvos the
23 yellow triangle at the top in the middle, do
24 you see that?

25 A. I see it.

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2 Q. It's the same triangle, right?

3 A. Yes, it's the same triangle in the
4 picture.

5 Q. You can see the hand with the
6 fingertips cut off?

7 A. Yes, I see it.

8 Q. It's showing a finger, a hand with
9 fingers getting cut off as it comes in contact
10 with that screwdriver looking tool, right?

11 MR. GITELMAN: Objection. Don't
12 answer. Are you testifying here?

13 MS. VASQUEZ: No, I'm asking.

14 MR. GITELMAN: No, that's improper.

15 MS. VASQUEZ: Why?

16 MR. GITELMAN: You're literally
17 putting words in his mouth. I'm not
18 allowing him to answer the question.

19 MS. VASQUEZ: We're not at trial.

20 MR. GITELMAN: No, I'm allowing him
21 to answer in that form.

22 MS. VASQUEZ: We're going to have
23 to mark this for a ruling.

24 MR. GITELMAN: Sure, you're the one
25 answering the question the way you seem

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2 fit.

3 MS. VASQUEZ: The question is if
4 that's what he sees.

5 MR. GITELMAN: That's what you see.
6 You're not the one testifying.

7 MS. VASQUEZ: We're going to mark
8 it for a ruling. We're going to keep
9 going for now.

10 MR. EVANS: You might understand
11 that as an order. If you want to ask
12 him if he knows what that means, that's
13 what it's obviously a picture of; is the
14 order.

15 MR. GITELMAN: It looks like a cat
16 standing up with its tail. You're not
17 under oath right now, counsel.

18 MS. VASQUEZ: It's actually not
19 true.

20 Q. Okay, Mr. Khusenvos, do you know
21 what an Auger is?

22 A. It's not seen as it would be clear
23 what it is. Understood what it is. (Sic)

24 Q. Explain to me what you see in that
25 triangle?

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2 A. What I see is something that looks
3 like a hand and then something that's cut off.
4 This is what I understood.

5 Q. What is your understanding of what
6 the symbol is trying to warn you of?

7 A. I don't know. I don't know. I'm
8 not understanding what it stands for.

9 Q. You have no idea as you sit here
10 now what that symbol is trying to show you?

11 MR. GITELMAN: Now? On the date of
12 the accident?

13 MS. VASQUEZ: Right now.

14 A. No, I don't understand.

15 Q. Let me just backtrack for one
16 second. You were a hired as a butcher's
17 helper, correct?

18 A. Not a butcher helper but they hired
19 me as a packer of chicken.

20 Q. You worked in the meat department
21 at the store, correct?

22 A. Yes, I did and my responsibilities
23 were packing.

24 Q. And you were also cutting up and
25 preparing chicken, right? That was your

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2 testimony earlier today?

3 A. Yes, correct.

4 Q. What would happen when you --
5 withdrawn.

6 How would you cut up the chicken?
7 What did you use? What tool?

8 A. I used to use a knife.

9 Q. And when you used the knife on the
10 chicken to cut it, it cut the meat apart,
11 correct?

12 A. Correct.

13 Q. If you had used that knife and you
14 used it to cut your fingers, would it have cut
15 your fingers?

16 MR. GITELMAN: Objection,
17 speculative. You can answer.

18 A. It would kind of scratch.
19 Sometimes it happened. Not all the time.

20 Q. Are you saying that the knife could
21 cut chicken but it could not -- it would only
22 scratch your hands, is that what you're saying?

23 MR. GITELMAN: He's not saying
24 that.

25 MS. VASQUEZ: I'm asking him what

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2 he's saying. If he says no, then he
3 says no. Let him answer the question.

4 A. It scratches. We used to use some
5 force in order to cut the chicken.

6 Q. And it would cut the chicken,
7 correct?

8 A. Yes, correct.

9 Q. It wouldn't scratch the chicken,
10 correct?

11 MR. GITELMAN: Counsel, what are
12 you getting at?

13 MS. VASQUEZ: Let him answer the
14 question.

15 A. Can you repeat the question?

16 MS. VASQUEZ: Please repeat my
17 question.

18 (Whereupon, the referred question
19 was read back by the Reporter.)

20 MR. GITELMAN: Note my objection to
21 form.

22 A. We used to use the knife in order
23 to cut the chicken.

24 Q. Yes, you said that already. You
25 work in a butcher shop. And you use knives to

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2 **cut meat, correct?**

3 A. Yes, I would cut it with a knife.

4 **Q. And the knife would not just**
5 **scratch the meat, it would cut it, correct?**

6 A. Can you -- I didn't quite
7 understand the scratch. What do you mean
8 scratch?

9 **Q. I'm using the word he used. So**
10 **we're using your word.**

11 A. Yes, I used that word in order to
12 describe how if you accidentally attach your
13 finger with a knife, it cuts a little but it
14 scratches. That's the reason I used that word
15 in that form.

16 **Q. So my question was very specific.**
17 **Let me rephrase it and I don't want to dwell on**
18 **this. I just want to make sure that we're**
19 **understanding each other.**

20 **As a butcher at the Halal Meat**
21 **store when you were cutting meat with the**
22 **knife, if you accidentally cut your hand, your**
23 **fingers with that knife using the same force**
24 **that you would use to cut meat, would your**
25 **finger get cut off?**

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2 MR. GITELMAN: Don't answer. He
3 never testified that he was a butcher.
4 Second of all, what he should have done,
5 could have, didn't happen. So don't
6 answer.

7 MS. VASQUEZ: Counselor, if he --

8 MR. GITELMAN: Your questions are
9 improper.

10 MS. VASQUEZ: If he disagrees with
11 me, if he thinks that I'm wrong, he's
12 going to tell me. Exactly what is the
13 objection?

14 MR. GITELMAN: My question.

15 MS. VASQUEZ: He testified --

16 MR. GITELMAN: You're
17 mischaracterizing the testimony. You're
18 giving hypotheticals.

19 MS. VASQUEZ: His testimony is very
20 clear. He can call it the assistant to
21 the butcher.

22 MR. GITELMAN: You called it
23 butcher. And second of all, you called
24 him a butcher. No, that's not what he
25 said. I don't allow him to answer the

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2 question in that form.

3 MS. VASQUEZ: He said a helper to a
4 butcher. You want me to call it that.
5 We can call it that.

6 MR. GITELMAN: That is what he
7 said. I would like you to use what he
8 said. Second of all, the second branch
9 of your question, the speculative, if
10 you put your hand on the knife, no, he's
11 not answering that.

12 MS. VASQUEZ: Why not?

13 MR. GITELMAN: That's speculative.
14 If you put your hand under a knife, is
15 it going to cut off? It's a ridiculous
16 question. I'm not going to allow him to
17 answer. Mark it for a ruling.

18 MS. VASQUEZ: Yeah, we're going to
19 have to mark it for a ruling. We're
20 going to have to continue with this line
21 of questioning.

22 MR. JACOBSON: This is Mat. Can we
23 take a break?

24 (Whereupon, a short break was
25 taken.)

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2 MS. VASQUEZ: Counsel has prevented
3 his client from answering several of my
4 questions. He's making objections which
5 are noted on the record but he's
6 actually preventing Mr. Khusenvos from
7 answering the questions and according to
8 Rule 30C2, which discusses objections
9 specifically, on objection at the time
10 of the examination whether to evidence,
11 to conduct, qualifications, to the
12 manner of taking deposition or to any
13 other aspect of the deposition must be
14 noted on the record that the examination
15 still proceeds. The testimony is taken
16 subject to any objection. An objection
17 must be stated concisely in a
18 non-argumentative and non-suggestive
19 manner. A person may instruct a
20 deponent not to answer only when
21 necessary to privilege to enforce a
22 limitation ordered by the court to
23 present a motion under Rule 30D3. So I
24 think that based on the very clear
25 reading of this rule, you're preventing

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your client from answering these questions is completely improper and it's hindering my deposition and I will have Dorene reread the question and we'll go from there, and see if you let your client answer and obviously you may respond.

MR. GITELMAN: So in response to counsel's last statement, I'm not preventing my client from answering open-ended questions. The issue I have is when counsel forms her own version of the testimony which is not actually what my client has said and then puts quote on quote words in his mouth by asking it in a manner which suits her cases need. However, it is not a proper form of question when the question does not contain previously provided answers by the plaintiff. It is what counsel is assuming or speculating or what she sees from her perspective. I have an issue when questions are asked that is not open-ended, counsel also asking a lot of

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leading questions. It's also proper. I understand the scope of a deposition is broader than a trial, however, for the purposes of preserving the sanctity of plaintiff's testimony, I would kindly ask that you do not input your own version of the plaintiff's answers in follow-up questions because that is what I see is occurring and I have an issue with that. We can resolve it by asking the question in a different manner which would suit everybody's needs. I don't see an issue with that. My issue is with the specific form of your previous question and that it's not plaintiff's testimony and I would say the same thing to the court if we were to contact them.

MS. VASQUEZ: Let's go back to that question.

MR. EVANS: Before we do that, are we going to be following the federal guidelines here on only seven hours on deposition per day?

MS. VASQUEZ: Well, at this point I

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2 don't know that it's going to be
3 possible especially with an interpreter,
4 it's very difficult. It kind of makes
5 things --

6 MR. EVANS: On any one day's
7 testimony, I believe it's seven hours
8 but I think you have second leeway to
9 finish. I don't think it's going to
10 take three days. It might be two days.

11 MS. VASQUEZ: What was my last
12 question?

13 (Whereupon, the referred question
14 was read back by the Reporter.)

15 MR. GITELMAN: Note my objection.
16 Sure, he can answer it.

17 A. No, because the knife was not as
18 much as that it would cut a finger and also, in
19 order to cut the meat, you don't have to use as
20 much strength in order that you would use -- in
21 order to cut a finger.

22 Q. Let me go back for one moment.

23 MS. VASQUEZ: Off the record.

24 (Whereupon, an off-the-record
25 discussion was held.)

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2 Q. Mr. Khusenvos, do you know what an
3 Auger is?

4 A. No, I don't know what it is.

5 MS. VASQUEZ: I'm going to mark
6 another exhibit. It is going to be
7 Exhibit D.

8 (Whereupon, the aforementioned
9 plaintiff's responses was marked as
10 Defendant's Exhibit D for identification
11 as of this date by the Reporter.)

12 Q. Let me share my screen. We're
13 going to be marking plaintiff's responses to
14 defendant's interrogatories. These are dated
15 on or about November 11th, 2021. Mr.
16 Khusenvos, I'm going to just scroll through
17 this document.

18 Let me ask this question: Do you
19 read English?

20 A. No, I don't.

21 Q. Do you understand any English at
22 all?

23 A. A little bit.

24 Q. I'm going to scroll through this
25 document. Let me know if you recognize it.

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2 It's approximately 32 pages. Have you ever
3 seen a document like this or this document
4 itself before today?

5 A. Yes.

6 Q. I'm going to show you -- I'm going
7 to scroll through -- do you want me to keep
8 going and show you all the pages?

9 A. Yes, it helps.

10 Q. It's got questions and its got
11 responses.

12 A. Yes, I see them.

13 Q. I'm going to show you -- let me go
14 through it quickly. I'm going to show you the
15 last page because it's important for you to see
16 on page 30 it's got a verification page and
17 it's got your signature. Do you recognize that
18 page?

19 A. Yes, I do remember.

20 Q. Is that your signature?

21 A. Yes, correct.

22 Q. Did you sign with your left hand?

23 A. Yes, I did it with my left hand.

24 Q. Let me go back. There's a question
25 on page 6 and it's asking about -- I'm just

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2 going to generalize it but it says it's asking
3 whether you had used the meat grinder in
4 question before your incident. And it says
5 that you -- did you used it one or two times
6 per week from the end of 2020 to the beginning
7 of 2021 and through the end of May 29th, 2021;
8 is that correct?

9 A. Yes, correct.

10 Q. It asks on number 18 that if the
11 product ever not functioned correctly, state
12 whether in what respect it didn't function
13 correctly. And then the answer says sometimes
14 the motor did not function properly. Sometimes
15 what I believe is the Auger did not function
16 properly. And then it says that the product
17 would not function properly about once or every
18 two weeks. Now, I asked you just a few minutes
19 ago if you knew what an Auger was and you
20 indicated that you did not. Does me reading
21 this question and this response to you refresh
22 your memory as to what an Auger is?

23 A. People around me that told me and
24 that's why I heard from them.

25 Q. What people -- what did people tell

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2 **you?**

3 A. In general, they said that it makes
4 the meat small.

5 Q. What did you understand the Auger
6 to be from what you were told?

7 A. I didn't understand what it does
8 but I understood that it makes the meat
9 smaller.

10 Q. Do you know what it looks like?

11 A. If I can see it, I can recognize
12 but otherwise I cannot tell how it looks like
13 and stuff.

14 MS. VASQUEZ: That's perfectly
15 fine. Let me show you. We're going to
16 mark another exhibit. This is going to
17 be Defendant's Exhibit E. This is the
18 Prokraft owners manual.

19 (Whereupon, the aforementioned
20 Prokraft owner's manual was marked as
21 Defendant's Exhibit E for identification
22 as of this date by the Reporter.)

23 Q. Are you able to see that?

24 A. Yes.

25 Q. The item in figure number one that

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2 **is shown by number 13; do you see that?**

3 A. Yes, I see it.

4 **Q. Do you recognize what that is?**

5 A. It looks like a thing that it
6 circles the meat.

7 **Q. Is that the Auger?**

8 A. I don't know. As far as I
9 remember, it is -- it must be the thing that it
10 circled or turned around the meat.

11 **Q. Is that figure that's listed as**
12 **number 13; is that what you're describing?**

13 A. Yes.

14 **Q. So back to Exhibit C for one**
15 **moment, the response that I read to you earlier**
16 **where it said sometimes the motor did not**
17 **function properly. Sometimes that what I**
18 **believe is the Auger did not function properly.**
19 **Is that the Auger that you were referring to,**
20 **the item listed as item number 13 on Exhibit E?**

21 A. You mean when we talked, that
22 engine was not working.

23 **Q. I'm asking you, in this response it**
24 **says the Auger did not function properly.**
25 **Where you're referring to that Auger that we**

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2 just saw on Exhibit E which is listed as item
3 number 13; is that what you're referring to?

4 A. Yes, correct.

5 Q. So we are on the same page. We
6 know what an Auger is, correct?

7 A. Yes, as I understand it, yes.

8 Q. Let's go back to Exhibit C which is
9 the exemplar warning label and let's go back to
10 the yellow triangle that shows a hand with
11 fingertips being cut off.

12 MR. GITELMAN: Note my objection.

13 Q. Do you see that an Auger in that
14 photograph in that symbol -- withdrawn.

15 Do you see an Auger depicted in
16 that symbol?

17 A. No, I don't see it there.

18 Q. You don't recognize that to be an
19 Auger?

20 A. No, I don't recognize it because it
21 looks like a dot or something there.

22 Q. Tell me what you understand that
23 symbol to be.

24 A. As I see, there are some dots and
25 then like an animal maybe a cat or something

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2 which is a black color.

3 MR. VASQUEZ: Can you repeat the
4 question and answer, please?

5 (Whereupon, the referred question
6 and answer was read back by the
7 Reporter.)

8 Q. Let's go to the next symbol. Do
9 you see a circle with a line through it?

10 A. Yes, I see it.

11 Q. What is a circle with a line mean
12 to you, if anything?

13 A. I don't know. As I see it looks
14 like somebody is throwing something to a trash
15 can and maybe it's not allowed to throw to a
16 trash can.

17 Q. Do you see an Auger in that symbol?

18 A. No, I don't see it there.

19 Q. As you sit here now, do you have
20 any reason to believe that such a sticker would
21 be placed on a meat grinder?

22 MR. GITELMAN: Note my objection to
23 form. You can answer.

24 A. I don't know the reason why they
25 put that sticker there.

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2 Q. The symbol of that figure, putting
3 his hands inside a container, does that to you
4 not look like somebody putting their hands
5 inside a meat grinder?

6 MR. GITELMAN: Note my objection to
7 form. You can answer. He answered. He
8 doesn't know what it is.

9 MS. VASQUEZ: That's fine if it
10 looks like that to him. If it doesn't,
11 it doesn't.

12 A. No, I don't see that there is a
13 meat grinder there. It doesn't look like one.

14 Q. So your understanding of the symbol
15 is somebody putting garbage in a trash can; is
16 that correct?

17 A. Yes, this is how I'm understanding
18 it.

19 Q. I'm so sorry.

20 MS. VASQUEZ: Can you repeat that
21 answer?

22 (Whereupon, the referred answer was
23 read back by the Reporter.)

24 Q. Let's look at the bottom symbol.
25 The light blue circle. What is your

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2 understanding of what symbol is in front of
3 you?

4 A. I'm not understanding that symbol.

5 Q. Does the -- does this appear to be
6 a hand holding something?

7 A. No, it doesn't look like it.

8 Q. You don't see a hand at all?

9 A. No, I cannot see a hand well.

10 Q. Mr. Khusenvos, when you were in
11 school, were you ever diagnosed with any type
12 of learning disabilities?

13 MR. GITELMAN: Note my objection.

14 You can answer.

15 A. No.

16 Q. At any point in time up until the
17 present time, have you ever been diagnosed with
18 a learning disability?

19 A. No, they have never done that.

20 Q. Let's go back to the initial times
21 that you used the meat grinder involved in your
22 accident. You've already told us about the
23 first day that you used a meat grinder in the
24 store where you used it for one minute. And I
25 wanted to focus -- yet again, I just want to

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2 remind you, I just want to focus on the meat
3 grinder that was involved in your accident,
4 okay. Just a reminder.

5 A. Okay.

6 Q. You testified earlier that when you
7 first saw that meat grinder it had a hole,
8 correct?

9 A. Yes.

10 Q. I'm going to share my screen again.
11 I'm going to go back to the photo that I marked
12 as Exhibit A. I believe you testified that the
13 meat grinder involved in your accident was very
14 similar to the one that's shown in the
15 photograph in front of you now, correct?

16 A. That's correct.

17 Q. The meat grinder that was involved
18 in your accident, did it have a tray?

19 A. There was a tray on top of that
20 like that.

21 Q. Now, there appears to be a white
22 stick in the photograph that's laying inside --
23 partially inside that tray; do you see it?

24 A. Yes, I see it.

25 Q. Do you know what that is?

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2 A. No, I don't know what it is.

3 Q. Before your accident, did you ever
4 use one like that?

5 A. No, I have never used it because
6 they used to put meat with the hand.

7 Q. I understand that we're going to
8 get to that. Before your accident --
9 withdrawn.

10 The first time that you used the
11 subject meat grinder that was involved in your
12 accident, were you given a pusher -- withdrawn.

13 Do you know that that white stick
14 is called a pusher?

15 A. No, I didn't know.

16 Q. You never heard that term before
17 today?

18 A. I have never heard that.

19 Q. Have you ever seen any kind of
20 stick used in connection with the meat grinder
21 before your accident?

22 A. No, I have not seen it because they
23 usually use their hands to put the meat there.

24 Q. You mentioned earlier -- you know
25 what --

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2 MS. VASQUEZ: Off the record.

3 (Whereupon, an off-the-record
4 discussion was held.)

5 Q. Back on the record. I'm going to
6 show you this photograph again and then I have
7 another photograph that I'm going to show you.
8 Earlier you mentioned that those three holes
9 inside the tray were not there when you first
10 saw the meat grinder involved in your accident;
11 do you remember that testimony?

12 A. Correct.

13 Q. Do you know what that those three
14 holes that section, do you know what that's
15 called?

16 A. No, I don't.

17 Q. Before your accident, had you ever
18 seen the meat grinder involved in your accident
19 with those three holes on the tray?

20 A. No, I didn't see it. I didn't see
21 it.

22 MS. VASQUEZ: Let me show you this
23 other one now. We're going to mark this
24 one as Defendant's Exhibit F.

25 (Whereupon, the aforementioned

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2 photograph was marked as Defendant's
3 Exhibit F for identification as of this
4 date by the Reporter.)

5 Q. This is just a better view of the
6 tray area that can be seen sideways in the
7 other photograph Exhibit A; do you understand
8 that Mr. Khusenvos?

9 A. Yes, I see it now.

10 Q. So, let me ask you this, this top
11 portion with the five holes that is called a
12 safety guard. Have you ever heard that term?

13 A. I heard about it after the
14 accident.

15 Q. I just want to be very clear. On
16 the day of your accident, was that safety guard
17 on the meat grinder that you were using?

18 A. No, it wasn't there.

19 Q. At any time before your accident,
20 when you used the meat grinder that was
21 involved in your accident, did it have a safety
22 guard?

23 A. No. As far as I saw it, it never
24 had it.

25 Q. I'm going to go back to Exhibit A.

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2 Earlier you told me that the meat was pushed
3 into the hole with hands, correct?

4 A. Correct.

5 Q. Did you see any of the employees of
6 Halal Meat use the meat grinder pushing the
7 meat in the hole with their hands?

8 A. Yes. They used to do that and
9 that's how I learned how to do it.

10 Q. The first time that you were told
11 to use the meat grinder that was involved in
12 your accident, were you told to use your hands
13 and put the meat in the meat grinder?

14 A. They showed it with the hand.

15 Q. Did they ever use a pusher like the
16 one that's shown in the photograph, Exhibit A
17 now that white stick?

18 A. No. They used to use only hands.
19 I have never seen them using that.

20 Q. Before your accident, how often did
21 you see Halal Meat employees putting meat in
22 the meat grinder with their hands?

23 A. I don't know. I don't remember. I
24 remember seeing it one or two times how they
25 were putting the meat with their hands.

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2 Q. The meat grinder that was involved
3 in your accident, did you ever clean it?

4 A. No. No, I didn't clean it.

5 Q. After you used it, did somebody --
6 withdrawn.

7 Was there somebody at Halal Meat
8 market who had the job of cleaning the meat
9 grinder?

10 A. Yes, there was a person who cleaned
11 afterwork hours.

12 Q. That person who cleaned afterwork
13 hours, they cleaned the market?

14 MR. GITELMAN: Can you be more
15 specific? What do you mean about the
16 store, the store front?

17 MS. VASQUEZ: Yes. The whole
18 market that's what my question is is
19 they cleaned the market.

20 A. Yes, correct.

21 Q. Did they also clean the machinery
22 and the tools and the equipment in the meat
23 department at the meat market?

24 A. Yes, correct.

25 Q. Did you ever see this individual

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2 **clean the meat grinder?**

3 A. No, because those people would
4 start their job after we left.

5 **Q. Can you identify these individuals**
6 **whether it's one or more than one?**

7 A. There were two people.

8 **Q. What were their names?**

9 A. If I remember correctly, one of the
10 guys name was Dilshod, D-I-L-S-H-O-D. If I'm
11 not mistaken his last name is Ashurov,
12 A-S-H-U-R-O-V. And the second guy's name was
13 Kozim, K-O-Z-I-M. Last name Azimov,
14 A-Z-I-M-O-V.

15 **Q. Do you know whether the person or**
16 **individuals that you just identified, were they**
17 **also responsible for -- withdrawn.**

18 **Do you know what they did to clean**
19 **the meat grinder? Do you know how they did it?**

20 A. No, I don't know because I have
21 never seen how they do it, what they do.

22 **Q. So you don't know whether they take**
23 **it apart and put it back together again? You**
24 **don't know that, correct?**

25 A. I don't know.

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2 Q. Do you know who it was that removed
3 the safety guard from the meat grinder that was
4 involved in your accident?

5 MR. GITELMAN: Note my objection to
6 form.

7 A. No, I don't know because it was not
8 my job and I used to work downstairs and I
9 wasn't interested in that part.

10 Q. Did anybody ever tell you who
11 removed the safety guard?

12 A. No, nobody told me.

13 Q. Did you ever ask anybody who
14 removed the safety guard?

15 A. I didn't know that it was removed
16 because I thought that it was like that because
17 when I started doing it, it didn't have it.

18 Q. So my next question would be
19 obvious but I'll ask it anyway: Do you know
20 how it was removed?

21 A. I don't know. I have never seen
22 how it was done. I don't know.

23 Q. After this accident happened, did
24 you talk to any Halal Meat employees?

25 A. Those people, they came to visit me

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2 after I was released from the hospital.

3 Q. Who was that exactly that came to
4 visit you?

5 A. The workers who worked at the
6 store.

7 Q. Can you tell me who they are?

8 A. Would you like me to tell each
9 person's name?

10 Q. Yeah, the persons who came to visit
11 you.

12 A. Sanjar, yes, those people were
13 Sanjar, Hussein, Alisher's brother, Chingiz,
14 C-H-I-N-G-I-Z, Damir, D-A-M-I-R, D-I-L-S-H-O-D.

15 Q. Damir and Dilshod are two different
16 people?

17 A. Yes, correct.

18 Q. Were any of -- those individuals
19 that you just identified, were they present on
20 the day of your accident?

21 A. Yes, they were.

22 Q. All of them or some of them?

23 A. Some of them. They were working
24 near me.

25 Q. Tell me who those individuals were

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2 who were working near you on the day of your
3 accident.

4 A. There was another person I was
5 missing. Laziz', L-A-Z-I-Z, brother. When the
6 accident happened Alisher's brother and Laziz'
7 brother were near me and then Hussein came to
8 the scene right after the accident.

9 Q. Would it surprise you to hear that
10 we were told by individuals at Halal Meat that
11 you were the person who removed the safety
12 guard from the meat grinder?

13 MR. GITELMAN: Note my objection.
14 You can answer.

15 Q. It wouldn't surprise you?

16 MR. GITELMAN: Did you interpret
17 his answer?

18 THE INTERPRETER: Should I repeat
19 it, counsel?

20 Q. Sure.

21 A. Yes, it would surprise me because I
22 didn't know what it was and how would I remove
23 it.

24 Q. Do you know as you sit here now who
25 said that?

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2 A. What do you mean? The word that
3 you said that would surprise me?

4 Q. Do you -- as you sit here now, do
5 you know who could have said that that he
6 removed -- that you removed the safety guard?

7 MR. GITELMAN: Note my objection.
8 You can answer.

9 A. No, I don't know.

10 Q. Do you have any family members who
11 worked at the Halal Meat market on or before
12 your accident?

13 A. Yes. Someone worked.

14 Q. Tell me who that is.

15 A. My little brother and my father.
16 Do you mean before the accident or after the
17 accident?

18 Q. Well, on or before your accident --
19 so at any time on or before your accident
20 happened.

21 A. Before the accident, my father and
22 my younger brother worked there.

23 Q. And your father's name is Kozim?

24 A. Yes.

25 Q. Your brother's name is that

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2 XXXXXXXX?

3 A. Yes correct.

4 Q. And what did your father do at the
5 meat market -- withdrawn.

6 What was your father's job title at
7 the meat market?

8 A. He did everything around the store
9 and then he used to lock the door before we
10 close it.

11 Q. When you say everything, can you be
12 more specific, please? I'm not sure what that
13 means.

14 A. His main responsibilities were
15 doing some renovation work and if he has had
16 the time, he would remove the old food or
17 expired food and put the new food and things
18 like this.

19 Q. What do you mean by renovation
20 work?

21 A. Do some painting work or if there
22 are light bulbs that didn't work, he would
23 replace them.

24 Q. Did he also work in the meat
25 department or not?

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2 A. No, he did not work at the meat
3 department but he would clean, do the dusting
4 and the sweeping after the store was closed.

5 Q. Was he one of the two individuals
6 you mentioned earlier who did the cleaning of
7 the meat grinder?

8 A. Yes, correct.

9 Q. Did you ever ask your father after
10 this accident how it was that he cleaned the
11 meat grinder?

12 A. No, after this accident happened,
13 my father didn't work for a long time. And
14 then after that, it was kind of -- didn't have
15 the time to ask him about it.

16 Q. You still live with your father,
17 correct?

18 A. Yes, correct.

19 Q. At any time after this accident,
20 did you ever discuss your accident with him?

21 A. No, he told me certain things, what
22 happened afterwards but when I asked about the
23 accident itself, he said it was bad and that he
24 didn't remember and he said that his heart
25 would not feel well if he talked about it.

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2 Q. Your father was there on the date
3 of your accident?

4 A. He wasn't there but he came when
5 they were taking out.

6 Q. Was he working that day?

7 A. No, he wasn't working.

8 Q. Have you ever seen a video footage
9 of your incident?

10 A. No, I didn't see the video.

11 Q. What if anything did your father
12 tell you about any conversations that were had
13 at the meat market after the accident?

14 MR. GITELMAN: Note my objection.

15 MR. EVANS: Just note my objection.

16 A. They said that it was very bad and
17 it was not good and they talked about stuff
18 like that.

19 Q. Did he give you any specifics as to
20 what they discussed that was very bad?

21 A. No, he didn't say that.

22 Q. Did your father ever tell you that
23 he knew who removed the safety guard?

24 A. No, he didn't tell me.

25 Q. Did you ever ask your father if he

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2 knew that?

3 A. No, I didn't ask him.

4 Q. Do you know if your father was the
5 one who removed the safety guard?

6 MR. GITELMAN: Note my objection.
7 He said he didn't know already. You
8 asked the question different ways. He
9 said he didn't know.

10 MS. VASQUEZ: Let him answer the
11 question. It wasn't even translated.

12 MR. GITELMAN: Right, I wanted to
13 object before the translation. He
14 already answered the question after
15 several different wording of expression.

16 MS. VASQUEZ: Your objection is
17 noted. Let him answer the question.

18 MR. GITELMAN: Okay.

19 THE INTERPRETER: Can you repeat
20 the question?

21 (Whereupon, the referred question
22 was read back by the Reporter.)

23 A. I don't know but I don't think that
24 my father would do that.

25 Q. Is your father still working for

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2 Halal Meat market?

3 A. Yes, correct.

4 Q. Was he already working at Halal
5 Meat market when you began working there?

6 A. No, he was not working when I
7 started working there.

8 Q. When did he start?

9 A. Maybe after two months later after
10 I started working there.

11 Q. You mentioned that your brother
12 also worked at the meat market. Is he still
13 working at Halal Meat market?

14 A. Yes, he's working.

15 Q. Was he working on the date of your
16 accident?

17 A. No.

18 MR. GITELMAN: Can I get a brief
19 two-minute restroom break?

20 MR. EVANS: Absolutely.

21 (Whereupon, a short break was
22 taken.)

23 Q. Did you ever speak to your brother
24 about the accident?

25 A. No.

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2 Q. Did you ever speak to your brother
3 about the meat grinder?

4 MR. GITELMAN: Note my objection.
5 He can answer.

6 A. No, I didn't talk to him about it.

7 Q. What was your brother's job title
8 on the date of your accident?

9 A. He worked as a cashier.

10 Q. Did he ever do any work with the
11 meat grinder?

12 A. No, he didn't.

13 Q. Did your father ever work with the
14 meat grinder?

15 A. No.

16 Q. When your coworkers came to see you
17 after the accident, what if anything did they
18 say to you?

19 MR. GITELMAN: Note my objection.

20 You can answer. Is there something
21 specific counsel or in general?

22 MS. VASQUEZ: Just in general.

23 A. At the time when they came, I was
24 very down and then they just supported me by
25 saying everything is going to be all right, you

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2 are going to be all right. They said those
3 kind of things.

4 Q. Did any of them discuss your
5 accident?

6 A. No, they didn't talk anything about
7 the accident itself.

8 Q. Up until the present time, have any
9 of your coworkers had any conversations with
10 you about your accident?

11 MR. GITELMAN: Note my objection.

12 A. No, we didn't talk about it.

13 Q. Up until the present time, have any
14 of your coworkers talked to you about the meat
15 grinder that was involved in your accident?

16 MR. GITELMAN: Note my objection.

17 A. No, they didn't talk anything about
18 that too.

19 Q. I know I'm jumping around a little
20 bit but we're getting closer to the end. When
21 you were removed -- when you went -- withdrawn.

22 After your accident, you were
23 removed by ambulance to the hospital, correct?

24 A. Yes, correct.

25 Q. Were any of the meat grinder parts

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2 **removed with you?**

3 A. I didn't -- my face was covered at
4 the time when they were dealing with my hand
5 and I don't think that anything was removed
6 along with my hand or along with me.

7 Q. Counsel, I would like to take a
8 look at his arm not necessarily uncovered. I
9 just want to see -- I haven't had an
10 opportunity to see it since it's covered. The
11 angle that he's sitting in, we haven't been
12 able to see it at all.

13 A. (The witness complied.)

14 Q. Can you bend at the elbow?

15 A. (The witness complied.)

16 MR. EVANS: About ten centimeters
17 below the elbow.

18 MR. GITELMAN: Less. Way less.

19 Q. So we will -- it's already close to
20 the time that we're ending and thank you for
21 that. I'm just going to continue when we come
22 back. Instead of, you know, getting into
23 anymore details, I just wanted to get a few --
24 sorry, I just wanted to get a few facts. So we
25 do have?

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2 MS. VASQUEZ: Off the record.

3 (Whereupon, an off-the-record
4 discussion was held.)

5 MR. GITELMAN: Let the record
6 reflect that the plaintiff took out his
7 arm -- can we have let the record
8 reflect the witness showed his arm on
9 camera. He took it out of his sling and
10 it was visible that his arm was
11 amputated just below the elbow on his
12 right arm.

13 MS. VASQUEZ: If there are any
14 additional medical authorizations if you
15 could please provide them -- I'm
16 requesting any additional authorizations
17 for records relating to Mr. Khusenvos's
18 continued treatment. Specifically I saw
19 medical records that Mr. Khusenvos had
20 either started treating or was going to
21 treat or there was a suggestion of
22 treatment with a prosthetic specialist
23 to the extent that we haven't received
24 those records and to the extent he's
25 already started that treatment, if you

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could provide authorizations for that as
well as updated photos and put it in
writing.
(Continued on next page
to include jurat.)

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2 MR. EVANS: Update exactly.
3 Updated photos and updated medicals,
4 we're cut off on the medicals to a
5 certain time and he's probably still
6 treating to some degree, so I just want
7 some fresh authorizations in that
8 regard.

9 MR. GITELMAN: Okay. Not a
10 problem, counselors, not a problem.

11 MR. EVANS: Thank you.

12 MS. VASQUEZ: Thank you, Mr.
13 Khusenvos.

14
15 (Whereupon, at 4:31 p.m., the
16 examination of this witness was
17 concluded.)
18

19 _____
ISOJON KHUSENVOS

20
21
22 Subscribed and sworn to before me
23 this ____ day of _____, 2022.
24

25 _____
NOTARY PUBLIC

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1 KHUSENVOS

2 C E R T I F I C A T E

3 STATE OF NEW YORK)

ss.:

4 COUNTY OF BRONX)

5
6
7 I, DORENE GLOVER, a Notary Public for
8 and within the State of New York, do hereby
9 certify:

10 That the witness whose examination is
11 hereinbefore set forth was duly sworn and that
12 such examination is a true record of the
13 testimony given by that witness.

14 I further certify that I am not related
15 to any of the parties to this action by blood
16 or by marriage and that I am in no way
17 interested in the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set
19 my hand this 15th day of February, 2022.

20
21 
22 DORENE GLOVER

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1 KHUSENVOS

2 STATE OF NEW YORK)

ss.:

3 COUNTY OF BRONX)

4

5 I wish to make the following changes, for
6 the following reasons:

7

8 PAGE LINE

9 _____ CHANGE:

10

11 REASON:

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